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 MICHAEL J. STONE

(Additional Appearances Noted on  
 Signature Page)

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAMES A. HARRIS,

Plaintiff,

vs.

GULF INSURANCE COMPANY,

Defendant,

MICHAEL J. STONE,

Plaintiff/Intervenor

Case No. C01-4906 CW

**STIPULATION FOR CONTINUANCE  
 OF CASE MANAGEMENT  
 CONFERENCE; ORDER AS MODIFIED**

Old Date: May 19, 2006

Time: 1:30 p.m.

Courtroom 2

The Honorable Claudia Wilken

Proposed

Date: November 10, 2006

Time: 1:30 p.m.

Courtroom 2

The Honorable Claudia Wilken

Plaintiff James A. Harris, Intervenor Michael J. Stone (together "Plaintiffs") and  
 Defendant Gulf Insurance Company respectfully submit this stipulation to continue the  
 upcoming Case Management Conference ("CMC") currently set for May 19, 2006 at 1:30 p.m.,  
 to November 10, 2006 at 1:30 p.m. The reason for the continuance is as follows:

This case was one of three related cases before the Court. The remaining two cases, *In re U.S. Aggregates, Inc. Securities Litigation*, Master File No. C-01-1688-CW, and *Moglia v. Harris*, No. C 04 2663 CW, have been settled. This case dealt with the insurance coverage issues posed by the U.S. Aggregates Securities Litigation.

This case is currently on appeal to the Ninth Circuit. The Court entered final judgment on September 28, 2005 on Counts I and II of Plaintiffs' First Amended Complaint, the two that raised the major coverage questions. Proceedings with respect to the remaining counts (alleging breach of contract and bad faith claims) were stayed pending resolution of the appeal. See the Court's Order Granting the Parties Joint Application for Judicial Resolution of Counts I and II of Plaintiff's First Amended Complaint under Federal Rule of Civil Procedure 54(b), dated September 28, 2005.

The appellate case has been fully briefed as of May 4, 2006. The Ninth Circuit has not yet scheduled oral argument.

Given the current status, the parties respectfully request that the scheduled CMC be continued until November 10, 2006 at 1:30 p.m. If the Court requests, the parties will provide the Court with periodic status reports as the Court may desire.

DATED: May \_\_\_, 2006

JEFFER, MANGELS, BUTLER & MARMARO LLP  
ROBERT C. GEBHARDT  
JULIA J. RIDER

By: \_\_\_\_\_/s/\_\_\_\_\_  
JULIA J. RIDER  
Attorneys for Plaintiff/Intervenor  
MICHAEL J. STONE

DATED: May \_\_\_, 2006

HELLER EHRMAN LLP  
STEPHEN N. GOLDBERG

By: \_\_\_\_\_/s/\_\_\_\_\_  
STEPHEN N. GOLDBERG  
Attorneys for Plaintiff  
JAMES A. HARRIS

DATED: May \_\_\_, 2006

TUCKER ELLIS & WEST LLP

ALEC BOYD

By: \_\_\_\_\_/s/\_\_\_\_\_  
ALEC BOYD  
Attorneys for Defendant  
GULF INSURANCE COMPANY

**ORDER**

IT IS HEREBY ORDERED THAT the Case Management Conference scheduled  
for May 19, 2006 is hereby continued to **November 17, 2006** at 1:30 p.m.



DATED: May 15, 2006

\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court